

THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN RE:

Henry Williams, Jr.,

Debtor.

Address: 18137 Sunset Cove Lane  
Cornelius, NC 28031

Social Security No: XXX-XX-7808

Chapter 11  
Case No. 08-31737

**AMENDED MOTION FOR RELIEF FROM AUTOMATIC STAY**

NOW COMES Infiniti Financial Services, a division of Nissan Motor Acceptance Corporation ("NMAC"), by and through Counsel, pursuant to 11 U.S.C. § 362, and moves the Court for an Order lifting the automatic stay in this case to permit NMAC to foreclose its security interest with respect to motor vehicle collateral owned by Debtor, and in support thereof shows to the Court the following:

1. Debtor filed the Chapter 11 bankruptcy petition initiating this case on August 18, 2008.
2. On January 19, 2006, Debtor purchased under the terms of a Retail Installment Sales Contract ("Retail Contract") a 2005 Infiniti QX56, Vehicle Identification Number 5N3AA08A35N812422 ("Motor Vehicle"). Pursuant to the terms of the Retail Contract, NMAC is the secured creditor as to the Motor Vehicle. Attached hereto as Exhibit "A" and incorporated by reference herein as if set forth in its entirety is a copy of the Retail Contract.

3. NMAC is the first lienholder of the Motor Vehicle as indicated on the Certificate of Title. Attached hereto as Exhibit "B" and incorporated by reference herein as if set forth in its entirety is a copy of the Certificate of Title.

4. Under the terms of the Retail Contract, Debtor is obligated to pay NMAC monthly installment payments of \$908.23. Debtor is presently in default on the required monthly payments and is now due for the June 19, 2008, installment and all months thereafter. As of September 8, 2008, the total arrearage due NMAC is in the amount of \$2,148.44.

5. Attached to this Motion as Exhibit "C" and incorporated by reference herein as if set forth in its entirety is a copy of Debtors' pay history for this account.

6. Debtor is without equity in the Motor Vehicle because the fair market value of the Motor Vehicle is less than the balance Debtor owes NMAC. According to the September 2008, N.A.D.A. Official Used Car Guide, the average retail value of the Motor Vehicle is \$26,375.00. Attached to this Motion as Exhibit "D" and incorporated by reference herein as if set forth in its entirety is a copy of page 79 of the September 2008, N.A.D.A. Official Used Car Guide.

7. NMAC is without adequate protection of its security interest in the Motor Vehicle, Debtor has continued to use the Motor Vehicle, and such continued use of the Motor Vehicle will result in further depreciation, injury, and loss to NMAC. As of September 8, 2008, Debtor owes NMAC the payoff balance of \$33,950.37.

WHEREFORE, Nissan Motor Acceptance Corporation moves the Court to lift the automatic stay to permit NMAC to recover the Motor Vehicle (if applicable) and foreclose its security interest in accordance with the Retail Contract and applicable non-bankruptcy law.

Notwithstanding Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure, lifting of the Automatic Stay is immediate and not stayed upon entry of this Order.

DATED: September 18, 2008

CHRISTOPHER LEWIS WHITE, P.A.

s/Christopher Lewis White  
Christopher Lewis White  
N.C. State Bar # 12798  
Post Office Box 31428  
Raleigh, NC 27622  
Telephone: (919) 832-6778

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies under penalty of perjury that on this date the foregoing Amended Motion for Relief from Automatic Stay was served by U.S. Postal Service, first class mail, or electronically as follows:

Henry Williams, Jr. (First Class Mail)  
18137 Sunset Cove Lane  
Cornelius, NC 28031

U.S. Bankruptcy Administrator (ECF)  
Chapter 11 Trustee  
402 W. Trade Street, Suite 200  
Charlotte, NC 28202-1669

David R. Badger (ECF)  
Attorney at Law  
Suite 118, Atherton Lofts, 2108 S. Blvd.  
Charlotte, NC 28203

DATED: September 18, 2008

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